

21 AUG 2002



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In re Application of	:	
YAYON, Avner <i>et al</i>	:	
Application No.: 09/831,305	:	<b>DECISION ON PETITION</b>
PCT No.: PCT/IL99/00602	:	
Int. Filing Date: 08 November 1999	:	<b>TO WITHDRAW HOLDING</b>
Priority Date: 08 November 1998	:	
Attorney's Docket No.: YAYON 4	:	<b>OF ABANDONMENT</b>
For: PHARMACEUTICAL COMPOSITIONS	:	
COMPRISING PORPHYRINS . . .	:	

The decision is in response to applicants' "PETITION TO VACATE HOLDING OF ABANDONMENT" filed on 05 August 2002. No fee is required.

### **BACKGROUND**

On 15 June 2001, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. A two-month time period for response was set with extensions of time available.

On 18 July 2001, applicants purportedly filed a document titled "Late Submission of Declaration and/or Translation in Application Filed Under 35 USC §371" which also contained an executed declaration.

On 31 May 2002, a NOTICE OF ABANDONMENT was mailed stating that the above-captioned application was abandoned because applicants failed to respond to the Form PCT/DO/EO/905 within the time period set.

On 05 August 2002, applicants filed the instant petition which was accompanied by, *inter alia*, copies of the documents purportedly filed 18 July 2001 and a stamped postcard receipt for the 18 July 2001 documents.

### **DISCUSSION**

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. Applicants must enclose a self-addressed postcard identifying all of the papers filed. The USPTO will stamp the receipt date on the card and place it on the outgoing mail. The identifying data on the card must clearly identify the paper for which receipt is

requested. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicants have provided a copy of the date-stamped filing receipt for documents submitted 18 July 2001. The filing receipt records that a "Missing Parts Response With Decl" was received in the USPTO. The filing receipt is stamped "OIPE JUL 18 2001" across its face. The U.S. application number, attorney docket number and name of the applicants are all listed on the postcard receipt.

Accordingly, applicants have provided *prima facie* evidence that the declaration was received by the USPTO on 18 July 2001.

### **DECISION**

For the reasons above, applicants' petition to withdraw the holding of abandonment is **GRANTED**.

The NOTICE OF ABANDONMENT mailed 31 May 2002 is hereby **VACATED**.

A review of the declaration reveals that it complies with the requirements of 37 CFR 1.497(a) and (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 08 November 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **18 July 2001**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

  
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